IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.16217 of 2008
SHRAWAN KUMAR THAKUR
Versus
THE STATE OF BIHAR
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4 **10.09.2008** Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case registered for the offences under Sections 304B, 201/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that although the petitioner is the husband of the deceased, however on going through the first information report it would appear that there is no specific allegation against him, however all the family members of the petitioner have been made accused. It is further submitted that on perusal of the medical certificate and prescription of the treatment of the deceased as contained in Anneuxre-2 (series), it would appear that the deceased was under regular treatment and lastly she was treated by the doctor about 2-3 days before her death. It is further contended that during investigation none of the witnesses except the informant has supported the prosecution case. It is also contended that the petitioner has been made accused merely on suspicion as he is the husband of the deceased.

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Learned Addl.P.P. appearing for the State, on the other hand, submits that notwithstanding the above submissions of the petitioner, the conduct of the petitioner in disposing of the body of the deceased without informing the parents of the deceased creates a serious doubt. He further submits that during investigation material has come to the effect that she was under medical treatment for having some pain in her stomach and immediately thereafter she died.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of six weeks from today, the petitioner, namely, Shrawan Kumar Thakur be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in connection with Forbisganj (Simraha) P.S.Case No. 329 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**